

103D CONGRESS
1ST SESSION

S. RES. 158

To amend the Standing Rules of the Senate to require a supermajority for Senate approval of bills or amendments containing unfunded Federal mandates.

IN THE SENATE OF THE UNITED STATES

OCTOBER 27 (legislative day, OCTOBER 13), 1993

Mr. GREGG (for himself, Mr. BENNETT, Mr. COVERDELL, Mr. FAIRCLOTH, Mrs. HUTCHISON, and Mr. KEMPTHORNE) submitted the following resolution; which was referred to the Committee on Rules and Administration

RESOLUTION

To amend the Standing Rules of the Senate to require a supermajority for Senate approval of bills or amendments containing unfunded Federal mandates.

Whereas, under our constitutional scheme of government, the Senate was intended, and historically served, as a protector of State interests from Federal encroachment;

Whereas, although unfunded Federal mandates result from Federal policy decisions, their costs are borne by State and local governments;

Whereas congressional imposition of unfunded Federal mandates has accelerated over the past decade;

Whereas, although each new unfunded Federal mandate may not have seemed to significantly burden State and local

governments, their cumulative costs are having unintended consequences;

Whereas the costs of unfunded Federal mandates are consuming State and local budgets, to the extent that traditional State and local tax bases are being effectively federalized, and the States' ability to carry out their traditional functions and services is being seriously undermined;

Whereas the results of Congress' continual imposition of unfunded Federal mandates has reached crisis proportions in many States; and

Whereas the Senate, to better serve its historical role as a protector of State interests, must amend its rules to respond to the crises confronting State and local governance caused by unfunded Federal mandates: Now, therefore, be it

1 *Resolved*, That (a) the Standing Rules of the Senate
2 are amended by adding at the end thereof the following:

3 “RULE XLIII

4 “UNFUNDED FEDERAL MANDATES

5 “1. It shall not be in order in the Senate to consider
6 any bill, joint resolution, conference report, amendment,
7 or motion that contains one or more unfunded Federal
8 mandates, unless the provisions containing unfunded Federal
9 mandates are considered individually or en bloc, at
10 the discretion of the Majority Leader or his designee. Such
11 provisions shall require a two-thirds vote of approval by
12 Senators duly chosen and sworn to remain part of the bill.

1 A point of order made against a measure pursuant to this
2 paragraph may be waived only by a two-thirds vote of the
3 Senate, duly chosen and sworn.

4 “2. For purposes of this rule, a bill shall be consid-
5 ered to contain an unfunded Federal mandate if the bill—

6 “(a) contains one or more requirements to be
7 imposed upon State or local governments, the com-
8 pliance for which full Federal funding is not pro-
9 vided;

10 “(b) provides authority, or amends a statute
11 that provides authority, to government departments
12 or agencies to promulgate regulations, unless it also
13 contains a mechanism through which State and local
14 governments receive full Federal funding for compli-
15 ance with requirements imposed upon State or local
16 governments by such regulations;

17 “(c) eliminates (unless an associated Federal
18 requirement is also eliminated), decreases, or im-
19 poses new conditions upon, the receipt by State or
20 local governments of existing sources of Federal
21 funding; or

22 “(d) imposes a Federal fee, or increases an ex-
23 isting Federal fee, upon State or local govern-
24 ments.”.

- 1 (b) The rule added by this resolution shall take effect
- 2 upon the convening of the 104th Congress.

